HIGH COURT OF CHHATTISGARH : BILASPUR

Division Bench

CORAM:

Hon'ble Shri Jagdish Bhalla, Acting C.J. &
Hon'ble Shri Satish K. Agnihotri, J.

Writ Petiton (PIL) No. 4019 of 2007

Petitioners

1. Shatrughan Prasad Bhaskar, S/o Chain Singh, aged about 32 years, R/o Om Nagar, Jarha Bhatha, Bilaspur (C.G.)

2. Manish Kumar Pandey, S/o. Mathura Prasad Pandey, aged about 30 years, R/o. Main Road, Torwa, opposite the office of the Labour Commissioner, Bilaspur (C.G.)

Versus

Respondents

1. State of Chhattisgarh, Through – the Secretary, Department of Road Transport, D.K.S. Bhawan, Raipur (C.G.)

2. Union of India, Through – the Secretary, Ministry of Petroleum, Government of India, New Delhi - 11000.

3. M/s Bharat Petroleum Company Limited, Through – its Territory Manager, Bijali Nagar, Bhilai, District Durg (C.G.)

4. M/s. Gagan Fuels, through its Proprietor, Main Road, Torwa, Bilaspur (C.G.)

(Writ Petition Under Article 226 of Constitution of India)

Present :

Shri M.P. S. Bhatia , counsel for the petitioners.
Shri Sanjay S. Agrawal, Govt. Advocate for the State/ respondent No1.
Shri Bhisma Kinger, Standing counsel for Union of India/ respondent No.2.

ORAL ORDER

(Passed on 2nd August. 2007)

The following oral order of the Court was passed by Hon'ble Shri **Jagdish Bhalla, Acting C.J.**

Heard learned counsel for the parties.

The petitioners have approached this Court to restart the petrol pump in the area in question, which was earlier run by the opposite party No.4.

According to learned counsel appearing for the petitioners, this is a Public Interest Litigation and learned counsel for the petitioner has been engaged by the Chhattisgarh High Court Legal Aid Committee. Learned counsel appearing for the petitioners submits that there are lot of problems because of the closure of the petrol pump run by the opposite party No.4, therefore, prayed to re-start the same.

Allotment of petrol pump is made under the policy of Oil Company. Firstly, viability of the petrol pump is to be looked into and thereafter applications are to be invited for the allotment of the same and then only the matters are to be considered for grant of petrol pump. The petitioners have pleaded before this Court that some temporary arrangement may be made for restart of the petrol pump. We find that before deciding to file this public interest litigation, no efforts have been made to verify the reasons and grounds to seek the relief as claimed. The petitioners have not indicated any policy/procedure to be followed for allotment of the temporary petrol pump. The site in question is on the main road i.e., Torwa, Bilaspur, known as National High Way 200. Normally, on the National Highway there are petrol pumps at certain prescribed distance, however, the area in question is within the municipal limits of Bilaspur.

Time and again, Hon'ble the Apex Court held that before filing the public interest litigation, it is the bounden duty of the petitioners and their counsel to do complete research of the matter in question and must bring on record all the material on the basis of which the relief is being claimed. However, the said exercise was not done by the petitioners or their counsel.

As referred to hereinabove, the petitioners have only prayed for temporary arrangement of petrol pump. We take judicial notice of the fact that lot of money is to be invested to start a petrol pump. The petitioners had not made any effort to find out whether temporary arrangement can be made and further whether anybody is willing to make huge investment for temporary purpose to supply of petrol. We have been informed that the petrol pump was within the Municipal limits of Bilaspur. The distance between the said petrol pump or nearby petrol pump is not indicated in the petition..

In the light of the above discussion, no interference is warranted under Article 226 of the Constitution of India. Accordingly, the writ petition is dismissed. However, it would be open for the petitioners to approach the authorities requesting for opening of the petrol pump at the site in question or nearby.

Sd/-
Ag. Chief Justice

Sd/-
Satish K. Agnihotri
Judge

raju/subbu